

The parties agree that all 17 below charted documents hit CT1 search terms and are from CT1 deponent custodial files

Reply Doc. #	Bates	Description	ABDC's Supplemental Response	Applicable RFP
3	ABDCMDL05864639	2015 email describing distribution monitoring consulting services offered by IMS Health in response to knowledge of increased DEA audits of the pharmaceutical industry.	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document does not relate to ABDC's own processes and is instead a solicitation from a third party, IMS Health."</p> <p><i>See</i> ABDC's Supp. Resp. at pdf. p. 20.</p>	<p>RFP No. 21: "All Documents regarding Your establishment and design of a system to detect, investigate and/or address any Suspicious Orders of Opioids or Opioid Products, monitor Controlled Substances (such as Your Controlled Substance Monitoring Program), or detect, investigate and/or address signs of diversion, abuse or misuse of Opioids or Opioid Products."</p> <p><i>See</i> ABDC's Supp. Resp. Ex. B. at p. 22; <i>see also</i> RFP No. 23, <i>Id.</i> at pp. 23-24.</p>
5	ABDCMDL06208729	2017 email regarding key ABDC due diligence policies and ABDC's intent to explore vendors for their OMP (Order Monitoring Program).	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to the implementation of policies and procedures at other, unrelated AmerisourceBergen Corporation business units, not ABDC. Though it lists then-current ABDC policies by name and policy number, this list is in reference to implementing those ABDC procedures at other ABC business units. ABDC produced each of the referenced ABDC-related policies in Track One on July 20, 2018 and July 27, 2018 at ABDCMDL00141734, ABDCMDL00141736, ABDCMDL00141742, ABDCMDL00249149, ABDCMDL00249151, ABDCMDL00249154, ABDCMDL00172096, ABDCMDL00172100, ABDCMDL00172112, ABDCMDL00172115, ABDCMDL00172118, ABDCMDL00172120, ABDCMDL00172125, ABDCMDL00172129, and ABDCMDL00172132."</p> <p><i>See</i> ABDC's Supp. Resp. at pdf. p. 22.</p>	<p>RFP No. 21: "All Documents regarding Your establishment and design of a system to detect, investigate and/or address any Suspicious Orders of Opioids or Opioid Products, monitor Controlled Substances (such as Your Controlled Substance Monitoring Program), or detect, investigate and/or address signs of diversion, abuse or misuse of Opioids or Opioid Products."</p> <p><i>See</i> ABDC's Supp. Resp. Ex. B. at p. 22; <i>see also</i> RFP No. 23, <i>Id.</i> at pp. 23-24.</p>

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9	ABDCMDL05844460	2014 email regarding draft job description for Director of Pharmacy Compliance and Diversion Control, prepared by Chris Zimmerman and approved by Steve Mays.	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document is a human resources document related to a job posting. Further, while certain personnel files were ordered to be produced in Track One, particularly relating to employee yearly performance reviews and compensation history, job postings were not requested in Track One, nor ordered produced by the Special Master."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 25.</i></p>	<p>RFP No. 8: "All Documents regarding the role of Your sales or marketing departments or any other departments with respect to Suspicious Orders from 1990 to present, including (a) whether persons responsible for overseeing, monitoring or reporting Suspicious Orders report, directly or indirectly, to persons in the sales or marketing departments; and (b) the role or authority of Your sales or marketing departments in the hiring, firing, promotion, compensation, demotion, admonition, discipline, commendation, or periodic performance reviews of persons responsible for overseeing, monitoring or reporting Suspicious Orders."</p> <p><i>See ABDC's Supp. Resp. Ex. B. at p. 10.</i></p>
22	ABDCMDL00566401	2014 email from Chris Zimmerman outlining and describing his goal initiatives for the year, including CSRA and Diversion Control matters.	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. Instead, despite a passing reference to ABDC's diversion control program, the document specifically excludes ABDC's diversion control program from discussion and focuses on other, unrelated topics."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 37.</i></p>	<p>RFP No. 23: "All Documents related to Your procedures, policies, protocols, systems, oversight committees, internal controls or instructions to identify, prevent, investigate, report and/or halt potential abuse, diversion, unlawful sales, distribution or transfer of Opioids or Opioid Products, including but not limited to any procedures, policies, protocol, internal controls or instructions from 1990 to present regarding: ...h. Standard Operating Procedures related to the monitoring, investigation, and reporting of Suspicious Orders."</p> <p><i>See ABDC's Supp. Resp. Ex. B at p. 23-24; see also RFP No. 8, <i>Id.</i> at p. 10.</i></p>
40	ABDCMDL05784660	2012 email regarding HDMA's planned statement in response to the announcement of lawsuits brought against pharmaceutical distributors by the West Virginia Attorney General.	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to a media inquiry related to the filing of litigation in West Virginia."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 53.</i></p>	<p>RFP No. 11: "All Documents regarding Your agreements with, membership in, attendance, participation, or involvement in any meeting, council, committee, task force, or working group of any industry trade group or association about the manufacture, development, formulation, marketing, advertising, sale, reimbursement, pricing, distribution, Quotas or diversion of Opioids or an Opioid Product or laws, rules or regulations or proposed laws, rules or regulations applying to Opioids or Opioid Products, including but not limited to:</p> <ul style="list-style-type: none"> a. Healthcare Distribution Management Association (HDMA); b. Healthcare Distribution Alliance (HDA);...." <p><i>See ABDC's Supp. Resp. Ex. B at p. 13.</i></p>

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45	ABDCMDL00570517	2016 email regarding "GAO Report on DEA Processes to Review Registrant Eligibility."	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to a GAO study described as relating to monitoring of registrant eligibility with a focus on prescribers and healthcare practitioners."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 56.</i></p>	<p>RFP No. 23: "All Documents related to Your procedures, policies, protocols, systems, oversight committees, internal controls or instructions to identify, prevent, investigate, report and/or halt potential abuse, diversion, unlawful sales, distribution or transfer of Opioids or Opioid Products, including but not limited to any procedures, policies, protocol, internal controls or instructions from 1990 to present regarding: ...e. defining, discussing, referring or related to criteria used to determine Suspicious Orders such as set forth in 21 C.F.R. § 1301.74(b)...."</p> <p><i>See ABDC's Supp. Resp. Ex. B at p. 23-24.</i></p>
47	ABDCMDL05779938	2012 email regarding WSJ article related to Red Flags, the DEA, CVS & Cardinal.	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to an enforcement action against another distributor. To the extent the document does relate to ABDC, it concerns customers outside Summit or Cuyahoga Counties and is therefore a Category Two document outside the scope of Track One discovery."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 58.</i></p>	<p>RFP No. 23: "All Documents related to Your procedures, policies, protocols, systems, oversight committees, internal controls or instructions to identify, prevent, investigate, report and/or halt potential abuse, diversion, unlawful sales, distribution or transfer of Opioids or Opioid Products, including but not limited to any procedures, policies, protocol, internal controls or instructions from 1990 to present regarding: ... e. defining, discussing, referring or related to criteria used to determine Suspicious Orders such as set forth in 21 C.F.R. § 1301.74(b)...."</p> <p><i>See ABDC's Supp. Resp. Ex. B at p. 23-24.</i></p>
58	ABDCMDL05819913	2015 email related to DEA's definition of CFR §1301(b), discussing comments from trade industry organization, NADDI	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document includes a news article about Florida and nonsubstantive commentary about a blog post that does not relate to ABDC or its diversion control program."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 69.</i></p>	<p>RFP No. 11: "All Documents regarding Your agreements with, membership in, attendance, participation, or involvement in any meeting, council, committee, task force, or working group of any industry trade group or association about the manufacture, development, formulation, marketing, advertising, sale, reimbursement, pricing, distribution, Quotas or diversion of Opioids or an Opioid Product or laws, rules or regulations or proposed laws, rules or regulations applying to Opioids or Opioid Products, including but not limited to:...."</p> <p><i>See ABDC's Supp. Resp. Ex. B at p. 13; see also RFP No. 23, <i>Id.</i> at pp. 23-24.</i></p>

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59	ABDCMDL05797902	2011 email regarding controlled substances, distribution monitoring, and regulatory compliance in the context of potential diversion.	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to an internal inquiry about a product ABDC does not sell and that is not related to its diversion control program."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 70.</i></p>	<p>RFP No. 28: "All Documents sufficient to show how You track and secure from receipt to delivery Your Opioid Products, Your interactions with Customers regarding volume of deliveries or Suspicious Orders, including Documents sufficient to show how You deliver Opioid Products and any data You provide to any manufacturers regarding the distribution or delivery of Opioid Products or the volume of Opioid Products delivered to each Customer."</p> <p><i>See ABDC's Supp. Resp. Ex. B at p. 28; see also RFP No. 23, <i>Id.</i> at pp. 23-24; RFP No. 29, <i>Id.</i> at p. 29.</i></p>
62	ABDCMDL05919654	2017 email comments regarding physician prescribing habits.	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. This document relates to a Letter to the Editor from a Pennsylvania newspaper related to events in Pennsylvania and is not responsive to any of Plaintiffs' Requests."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 73.</i></p>	<p>RFP No. 23: "All Documents related to Your procedures, policies, protocols, systems, oversight committees, internal controls or instructions to identify, prevent, investigate, report and/or halt potential abuse, diversion, unlawful sales, distribution or transfer of Opioids or Opioid Products, including but not limited to any procedures, policies, protocol, internal controls or instructions from 1990 to present regarding:</p> <p>... a. the detection and reporting of Suspicious Orders and/or to maintaining effective controls against diversion of Controlled Substances; b. monitoring sales of controlled substances;..."</p> <p><i>See ABDC's Supp. Resp. Ex. B at p. 23-24.</i></p>
74	ABDCMDL00569405	2017 email to HDMA regarding ABDC's primary DEA contacts [CT1 custodians]	<p>"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. The subject of the document is identification of the contact at ABDC for the DEA."</p> <p><i>See ABDC's Supp. Resp. at pdf. p. 82.</i></p>	<p>RFP No. 11: "All Documents regarding Your agreements with, membership in, attendance, participation, or involvement in any meeting, council, committee, task force, or working group of any industry trade group or association about the manufacture, development, formulation, marketing, advertising, sale, reimbursement, pricing, distribution, Quotas or diversion of Opioids or an Opioid Product or laws, rules or regulations or proposed laws, rules or regulations applying to Opioids or Opioid Products, including but not limited to:</p> <p>a. Healthcare Distribution Management Association (HDMA);</p> <p>b. Healthcare Distribution Alliance (HDA);..."</p> <p><i>See ABDC's Supp. Resp. Ex. B at p. 13; see also RFP No. 16, <i>Id.</i> at p. 17.</i></p>

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77 78 79 80 81	ABDCMDL00569618 ABDCMDL00569619 ABDCMDL00569620 ABDCMDL00569622 ABDCMDL00569623	2011 email with four attachments providing ABDC's "top regulatory concerns in various states and regions."	"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. The subject matter of the document general discussion of regulatory items that is not related to opioids or the Track One jurisdictions." <i>See ABDC's Supp. Resp. at pdf. p. 85.</i>	RFP No. 23: "All Documents related to Your procedures, policies, protocols, systems, oversight committees, internal controls or instructions to identify, prevent, investigate, report and/or halt potential abuse, diversion, unlawful sales, distribution or transfer of Opioids or Opioid Products, including but not limited to any procedures, policies, protocol, internal controls or instructions from 1990 to present regarding: ... c. conducting an analysis of Suspicious Orders prior to completing a sale to determine whether the Controlled Substances are likely to be/being diverted from legitimate channels to illegitimate channels; d. Your Suspicious Order Monitoring System (SOMS) and/or U.S. Pharmaceutical Controlled Substances Monitoring Program ("CSMP") including any metrics, tools, models, workflows, platforms, computer program[s] and/or protocol[s] used or utilized in that program or system;..." <i>See ABDC's Supp. Resp. Ex. B at p. 23-24.</i>
90	ABDCMDL05788612	2015 email commenting on news article related to the Master's decision.	"This document was not produced in Track One because it is not responsive to any of the Track One Requests for Production. The document is a DEA press release relating to the decision of the DEA administrator regarding a different distributor and does not address ABDC in any manner." <i>See ABDC's Supp. Resp. at pdf. p. 93.</i>	RFP No. 23: "All Documents related to Your procedures, policies, protocols, systems, oversight committees, internal controls or instructions to identify, prevent, investigate, report and/or halt potential abuse, diversion, unlawful sales, distribution or transfer of Opioids or Opioid Products, including but not limited to any procedures, policies, protocol, internal controls or instructions from 1990 to present regarding: ... c. conducting an analysis of Suspicious Orders prior to completing a sale to determine whether the Controlled Substances are likely to be/being diverted from legitimate channels to illegitimate channels; e. defining, discussing, referring or related to criteria used to determine Suspicious Orders such as set forth in 21 C.F.R. § 1301.74(b);...." <i>See ABDC's Supp. Resp. Ex. B at p. 23-24.</i>